

# Exhibit C

**AFFIDAVIT OF THE DEPARTMENT OF STATE  
IN SUPPORT OF EXCEPTING THE PRODUCTION OF RECORDS  
PURSUANT TO THE PENNSYLVANIA RIGHT TO KNOW LAW**

I, Robert Torres, do hereby state that I am employed by the Commonwealth of Pennsylvania's Department of State, and hereby verify that the statements made below are true and correct to the best of my knowledge, information and belief. I understand that false statements made therein are subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities and am making this statement under penalty of perjury.

1. I am the Acting Secretary of the Pennsylvania Department of State, 302 North Office Building, 401 North Street, Harrisburg, PA 17120.
2. On December 4, 2017, I received Right-To-Know request memo 2017-552, from the Agency Open Records Officer.
3. I joined the Pennsylvania Department of State on July 18, 2016 as the Executive Deputy Secretary of State. On October 10, 2017, I became the Acting Secretary of State after Secretary Pedro Cortés resigned his position.
4. Since I became Acting Secretary of State on October 10, 2017 to November 29, 2017 (the date of the RTKL request at issue), there have been no communications with myself and county election directors or county election staff regarding the registration of and/or potential voting by noncitizens.
5. Any email exchanges between myself and Department of State staff during the time that I became the Acting Secretary until November 29, 2017 concerning the registration of and/or potential voting by noncitizens included legal counsel seeking their input and legal advice, or were drafts of press releases, testimony, memoranda or responses to inquiries involving members of my staff and legal counsel.
6. As Acting Secretary, I have engaged the Office of Chief Counsel for legal advice concerning this matter of alleged voter registration issues and the potential voting by noncitizens, which includes any data derived from the Pennsylvania Department of Transportation's driver's license record database and the Department's SURE system. The matter is currently being managed by our Office of Chief Counsel. Once the Office of Chief Counsel completes the review/investigation of the matter, they will advise the Department regarding its exposure in any potential anticipated litigation and to what extent the information may be used to guide the list maintenance process to ensure the accuracy of the statewide voter registration database pursuant to provisions in the federal law and any possible required reporting under the Pennsylvania voter registration law.

I do hereby say, verify and attest to this Affidavit as being true and accurate to the best of my knowledge, information and belief, under penalty of perjury, and subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities and disciplinary action up to and including termination.

2/8/18  
Date

Robert Torres  
Robert Torres  
Acting Secretary, Pennsylvania Department of State